

that reform is not coming, or that anyone does not want reform. What it does mean is we need to take the time to get the health care reforms the American people want. That is what they expect, and we should do no less.

Mr. President, I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1390, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1390) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Thune amendment No. 1618, to amend chapter 44 of title 18, United States Code, to allow citizens who have concealed carry permits from the State in which they reside to carry concealed firearms in another State that grants concealed carry permits, if the individual complies with the laws of the State.

Brownback amendment No. 1597, to express the sense of the Senate that the Secretary of State should redesignate North Korea as a state sponsor of terrorism.

#### AMENDMENT NO. 1618

The ACTING PRESIDENT pro tempore. The time until noon will be equally divided and controlled between the Senator from South Dakota, Mr. THUNE, and the Senator from Illinois, Mr. DURBIN, or their designees on amendment No. 1618, offered by the Senator from South Dakota.

The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, amendment No. 1618 is a very simple amendment. It is tailored to allow individuals to protect themselves while at the same time protecting States rights.

My amendment would allow an individual to carry a concealed firearm across State lines if they either have a valid permit or if, under their State of residence, they are legally entitled to do so.

My amendment does not create a national concealed carry permit system or standard. My amendment does not allow individuals to conceal and carry within States that do not allow their own citizens to do so. My amendment does not allow citizens to circumvent their home State's concealed carry permit laws.

If an individual is currently prohibited from possessing a firearm under Federal law, my amendment would continue to prohibit them from doing so. When an individual with a valid

conceal and carry permit from their home State travels to another State that also allows their citizens to conceal and carry, the visitor must comply with the restrictions of the State they are in.

This carefully tailored amendment will ensure that a State's border is not a limit to an individual's fundamental right and will allow law-abiding individuals to travel, without complication, throughout the 48 States that currently permit some form of conceal and carry.

Law-abiding individuals have the right to self-defense, especially because the Supreme Court has consistently found that police have no constitutional obligation to protect individuals from other individuals.

The Seventh Circuit explained this most simply in their 1982 *Bowers v. DeVito* decision where they said:

[T]here is no Constitutional right to be protected by the state against being murdered by criminals or madmen.

Responsible gun ownership by law-abiding individuals, however, provides a constitutional means by which individuals may do so, and responsible conceal and carry holders have repeatedly proven they are effective in protecting themselves and those around them.

Reliable, empirical research shows that States with concealed carry laws enjoy significantly lower crime and violent crime rates than those States that do not.

For example, for every year a State has a concealed carry law, the murder rate declines by 3 percent, rape by 2 percent, and robberies by over 2 percent.

Additionally, research shows that "minorities and women tend to be the ones with the most to gain from being allowed to protect themselves."

The benefits of conceal and carry extend to more than just the individuals who actually carry the firearms. Since criminals are unable to tell who is and who is not carrying a firearm just by looking at a potential victim, they are less likely to commit a crime when they fear they may come in direct contact with an individual who is armed.

This deterrent is so strong that a Department of Justice study found that 40 percent of felons had not committed crimes because they feared the prospective victims were armed. Additionally, research shows that when unrestricted conceal and carry laws are passed, not only does it benefit those who are armed, but it also benefits others around them such as children. In addition to the empirical evidence, there are anecdotal stories as well.

A truckdriver from Onida, SD—a long-haul trucker—10 years ago, on a trip to Atlanta, stopped at a truck stop in Georgia. He shared this story recently. It is a more dated story. But a strange man suddenly jumped on the hood of his truck, showed a gun, and started demanding all the cash this truckdriver had. Working on instinct, he pulled out the firearm he always

kept in his cab and showed the gun to the perpetrator, who jumped off the hood and ran away as soon as he saw it.

That story, while one that may not make it into the crime statistics or the newspapers, is the type of story that demonstrates how my amendment will help individuals—law-abiding individuals, who travel from State to State either for work or for pleasure.

So it is very straightforward. The amendment, as I said, simply allows those who have concealed carry permits in their State of residence to be able to carry firearms across State lines, respectful of the laws that pertain in each of the individual States.

So it is not, as some have suggested, a preemption of State laws. There are a couple States where their individuals are precluded from having concealed carry, and in those States this amendment would not apply. Obviously, we are, as I said before, very respectful of States rights and State laws that have been enacted with regard to this particular issue.

But I might say, too, in my State of South Dakota, we have a national reciprocity understanding, national reciprocity concealed carry understanding, with all the other States in the country. So of the other 47 States where concealed carry is allowed, any of the residents of those States who have concealed carry permits can carry in the State of South Dakota. There are 10 other States that also fit into that category.

I believe if we check the records and look at the data, it is pretty clear the States that have enacted national concealed carry reciprocity agreements have not seen, as has been suggested by opponents of this amendment, any increase in crime rates.

I believe this is something that is consistent with the constitutional right that citizens in this country have to keep and bear firearms. We have, as I said, 48 States currently today that have some form of concealed carry law that allows their individuals in their States, residents of their States, to carry. This simply extends that constitutional right across State lines, recognizing that the right to defend oneself and the right to exercise that basic second amendment constitutional right does not end at State borders or State lines.

So, Mr. President, I hope my colleagues in the Senate will adopt this amendment. I think it is a common-sense approach to allowing more people across this country to have the opportunity to protect themselves when they are threatened. As I said before, the statistics bear out the fact that when that is the case, when people have that opportunity—States that have enacted concealed carry laws have seen actually crime rates, particularly violent crime rates, go down.

Mr. President, I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.